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CWA COMPLAINT

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INGLEWOOD

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14 UNITED STATES DISTRICT COURT  
15 CENTRAL DISTRICT OF CALIFORNIA

16 CALIFORNIA RIVER WATCH, a  
17 501(c)(3) non-profit, public benefit  
18 Corporation,

19 Plaintiff,

20 v.

21 CITY OF INGLEWOOD,

22 Defendant.  
23 \_\_\_\_\_/

CASE NO. 2:14-cv-09244

**COMPLAINT FOR INJUNCTIVE  
RELIEF, CIVIL PENALTIES,  
RESTITUTION AND REMEDIATION  
[Environmental - Clean Water Act 33  
U.S.C. § 1251 *et seq.*]**

24 NOW COMES plaintiff CALIFORNIA RIVER WATCH a 501(c)(3) nonprofit,  
25 public benefit corporation ("RIVER WATCH") by and through its attorneys, and for its  
26 Complaint against Defendant CITY OF INGLEWOOD ("INGLEWOOD") states as  
27 follows:  
28

**I. NATURE OF THE CASE**

1. This is a citizens' suit for relief brought by RIVER WATCH under the Federal  
Pollution Control Act, also known as the Clean Water Act ("CWA"), 33 U.S.C. § 1251  
*et seq.*, including 33 U.S.C. § 1365, 33 U.S.C. § 1311, and 33 U.S.C. § 1342, to prevent  
INGLEWOOD from repeated and ongoing violations of the CWA. These violations are

1 detailed in the "Notice of Violations and Intent to File Suit" dated August 29, 2014,  
2 made part of the pleadings of this case, and attached hereto as EXHIBIT A ("CWA  
3 NOTICE").

4 2. RIVER WATCH alleges INGLEWOOD obtained coverage as a facility operator  
5 under California's General Industrial Storm Water Permit for Industrial Storm Water  
6 Discharges, National Pollutant Discharge Elimination System ("NPDES") General  
7 Permit No. CAS000001 [State Water Resources Control Board] Water Quality Order No.  
8 92-12-DWQ (as amended by Water Quality Order 97-03-DWQ) issued pursuant to CWA  
9 § 402(p), 33 U.S.C. § 1342(p) (hereafter, "General Permit"), for the City of Inglewood  
10 Waste Transfer Station facility operated at the City Service Center located and operating  
11 at 222 West Beach Avenue in the City of Inglewood, County of Los Angeles, California  
12 ("the Facility").

13 3. RIVER WATCH alleges INGLEWOOD is routinely violating the substantive and  
14 procedural requirements of CWA § 402(p) and the General Permit relating to recycling  
15 services at the Facility, by failing to fully comply with the General Permit's mandatory  
16 sampling, monitoring and reporting requirements, as well as failing to implement  
17 effective Best Management Practices ("BMPs") in the Storm Water Pollution Prevention  
18 Plan ("SWPPP") for the Facility, resulting in the illegal discharge of pollutants (specific  
19 conductance, total suspended solids, pH, copper, zinc, lead, iron, and aluminum) from  
20 the Facility as reported to the California State Resources Control Board ("SWRCB") in  
21 Annual Reports filed by INGLEWOOD for the Facility during the four year period  
22 2010-2011 through 2013-2014.

23 4. RIVER WATCH alleges that the failure to comply strictly with the mandatory  
24 terms and conditions and BMPs required by the General Permit (identified  
25 comprehensively in the Federal Environmental Protection Agency's ("EPA") "Industrial  
26 Stormwater Fact Sheet Series, Sector N: Scrap Recycling and Waste Recycling  
27 Facilities," (EPA Office of Water, EPA-833-F-06-029, December 2006) results in  
28 discharges in violation of the CWA's prohibition with regard to discharging a pollutant

1 from a point source to waters of the United States, in this instance the Inglewood MS4,  
2 pursuant to CWA § 301(a), 33 U.S.C. § 1311(a), and CWA § 505(f), 33 U.S.C. §  
3 1365(f).

4 Ongoing discharges from the Facility as reported by INGLEWOOD exceed the  
5 EPA "Benchmarks" for the following pollutants:

6 **2013-2014 Reporting Year<sup>1</sup>**

7 February 27, 2014 Sample:

8 Pre-Before Berm/Filter –

9 Specific Conductance – 227 µmhos/cm  
10 Aluminum – 3.95 mg/L  
11 Iron – 5.29 mg/L  
12 Zinc – 0.169 mg/L

13 Post-After Berm/Filter –

14 Specific Conductance – 218 µmhos/cm  
15 Aluminum – 1.44 mg/L  
16 Iron – 1.94 mg/L  
17 Zinc – 0.193 mg/L

18 November 21, 2013 Sample:

19 Pre-Before Berm Filter –

20 Specific Conductance – 863 µmhos/cm  
21 TSS – 389 mg/L  
22 Aluminum – 7.78 mg/L  
23 Copper – 0.119 mg/L  
24 Iron – 10.6 mg/L  
25 Zinc – 0.468 mg/L

26 Post-After Berm Filter –

27 Specific Conductance – 502 µmhos/cm  
28 TSS – 263 mg/L  
Aluminum – 8.56 mg/L  
Copper – 0.117 mg/L  
Iron – 10.9 mg/L  
Zinc – 0.771 mg/L

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<sup>1</sup>EPA "Benchmarks" for the listed pollutants – Specific Conductance (SC) 200 µmhos/cm; pH 6.0 – 9.0 standard units; Total Suspended Solids (TSS) 100 mg/L; Aluminum (Al) 0.75mg/L; Iron (Fe) 1.0 mg/L; Lead (Pb) 0.0816 mg/L; Zinc (Zn) 0.117 mg/L; Copper (Cu) 0.0636 mg/L; Total Oil & Grease (O&G) 15 mg/L; COD 120 mg/L; and TOC 100 mg/L.

**2012-2013 Reporting Year**

January 24, 2013

Pre-Before Berm/Filter –

Specific Conductance – 243  $\mu$ mhos/cm  
TSS – 300 mg/L  
Aluminum – 18.8 mg/L  
Iron – 22.2 mg/L  
Zinc – 0.252 mg/L

Post-After Berm/Filter –

TSS – 134 mg/L  
Aluminum – 4.43 mg/L  
Iron – 5.67 mg/L  
Zinc – 0.268 mg/L

November 29, 2012

Pre-Before Berm/Filter –

Specific Conductance – 297  $\mu$ mhos/cm  
TSS – 131 mg/L  
Aluminum – 6.62 mg/L  
Iron – 8.04 mg/L  
Zinc – 0.205 mg/L

Post-After Berm/Filter –

Iron – 1.04 mg/L  
Zinc – 0.161 mg/L

**2011 -2012 Reporting Year**

January 23, 2012

TSS – 342 mg/L  
Aluminum – 10.3 mg/L  
Copper – 0.074 mg/L  
Iron – 15.3 mg/L  
Zinc – 0.406 mg/L

December 12, 2011

Specific Conductance – 786  $\mu$ mhos/cm  
TSS – 1370 mg/L  
pH – 5.93  
Aluminum – 37.4 mg/L  
Copper – 0.226 mg/L  
Iron – 55.5 mg/L  
Lead – 0.156 mg/L  
Zinc – 0.973 mg/L

1 **2010 -2011 Reporting Year**

2 March 20, 2011

3 Pre-Before Berm/Filter

4 Specific Conductance – 525 µmhos/cm

5 Aluminum – 4.04 mg/L

6 Iron – 4.93 mg/L

7 Zinc – 0.198 mg/L

8 Post-After Berm/Filter –

9 Aluminum – 1.05 mg/L

10 Copper – 0.064 mg/L

11 Iron – 5.81 mg/L

12 Zinc – 0.395 mg/L

13 October 20, 2010

14 Pre-Before Berm/Filter –

15 Specific Conductance – 1660 µmhos/cm

16 TSS – 476 mg/L

17 Aluminum – 20.9 mg/L

18 Copper – 0.185 mg/L

19 Iron – 33.4 mg/L

20 Lead – 0.151 mg/L

21 Zinc – 0.797 mg/L

22 Post-Before Berm/Filter –

23 Specific Conductance – 1120 µmhos/cm

24 pH – 9.06

25 Aluminum – 2.63 mg/L

26 Copper – 0.067 mg/L

27 Iron – 4.57 mg/L

28 Zinc – 0.483 mg/L

5. RIVER WATCH alleges that INGLEWOOD's operation at the Facility (classified under SIC Code 5093), "functions as a temporary site to store solid waste and debris generated by [Inglewood] City crews performing tree trimming, street sweeping, park maintenance, law mowing, vehicle maintenance, and trash receptacle pick-up operations ... Construction materials used by Public Services for street repair including rock base, clean fill dirt, and asphalt, are also stored at the transfer station."

1 (<http://www.cityofinglewood.org/agendastaffreports/01-29-13/8.pdf>; August 28, 2014).<sup>2</sup>

2 The work at the Facility is conducted both indoors and outdoors. Because the property  
3 on which the Facility is located is subject to rain events, and because there is no Regional  
4 Water Quality Control Board exemption from collecting and analyzing of the range of  
5 pollutants discharged from the Facility, there can be a discharge of these pollutants to the  
6 Inglewood MS4, which discharges to the Pacific Ocean.

7 6. RIVER WATCH seeks declaratory relief, injunctive relief to prohibit future  
8 violations, the imposition of civil penalties, and other relief for INGLEWOOD's  
9 violations as set forth in this Complaint.

## 10 **II. PARTIES TO THE ACTION**

11 7. RIVER WATCH is, and at all times relevant to this Complaint was, an Internal  
12 Revenue Code § 501(c)(3) nonprofit, Public Benefit corporation organized under the  
13 laws of the State of California, with headquarters located in Sebastopol, California and  
14 offices in Los Angeles, California. RIVER WATCH's southern California mailing  
15 address is 7401 Crenshaw Boulevard, #422, Los Angeles, California 90043. The specific  
16 purpose of RIVER WATCH is to protect, enhance and help restore surface and ground  
17 waters of California including rivers, creeks, streams, wetlands, vernal pools, aquifers  
18 and associated environs, biota, flora and fauna; and, to educate the public concerning  
19 environmental issues associated with these environs. Members of RIVER WATCH  
20 reside in southern California where the Facility which is the subject of this Complaint  
21 is located. Said members have interests in the waters and watersheds which are or may  
22 be adversely affected by INGLEWOOD's discharges and violations as alleged herein.  
23 Said members use the effected waters and watershed areas for recreation, sports, fishing,  
24 swimming, hiking, photography, nature walks and/or the like. Furthermore, the relief

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25  
26 <sup>2</sup>INGLEWOOD's operations, as stated on its NOI, are also covered under SIC Codes 4212 (Local  
27 Trucking without Storage) and 4953 (Refuse Systems). In addition, on June 13, 2012, the Regional  
28 Water Quality Control Board issued INGLEWOOD an "Annual Report Review – Second Benchmark  
Value Exceedance: NPDES General Permit (Permit) For Storm Water Discharges Associated With  
Industrial Activity (Order No. 97-03 DWQ; NPDES No. CAS000001), WDID# 419I 011122" identifying a number of EPA Benchmark exceedances. The violations identified in the June 13, 2012  
Regional Board Review are incorporated by reference into the CWA NOTICE.

1 sought will redress the injury in fact, likelihood of future injury and interference with the  
2 interests of said members.

3 8. RIVER WATCH is informed and believes and on such information and belief  
4 alleges that Defendant INGLEWOOD is now, and at all times relevant to this Complaint  
5 was, an entity doing business as a publicly owned and operated scrap recycling operation  
6 under Standard Industrial Code No. 5093, located and operating at 222 West Beach  
7 Avenue in the City of Inglewood, Los Angeles County, California, and referred to in this  
8 Complaint as the Facility.

9 **III. GENERAL**

10 9. INGLEWOOD submitted a Notice of Intent ("NOI") to the SWRCB for coverage  
11 under the General Permit for the Facility and on or about August 18, 1994 obtained said  
12 coverage. The SWRCB assigned Waste Discharger Identification ("WDID") number 4  
13 19I011122 to INGLEWOOD, authorizing it to operate the Facility consistent with the  
14 strict terms and requirements imposed under the General Permit. Compliance with the  
15 terms and conditions (the environmental protections) within the General Permit are not  
16 voluntary. In the absence of an express "exemption" by the SWRCB from any of the  
17 General Permit's terms and conditions, INGLEWOOD is required to comply strictly with  
18 each and every one of them. RIVER WATCH's review of the mandated Annual Reports  
19 submitted by INGLEWOOD to the Regional Water Quality Control Board, Los Angeles  
20 Region ("RWQCB") for the reporting years 2010-2011 through 2013-2014 reveals  
21 violations of the General Permit at the Facility during this time-period, specifically the  
22 failure to comply fully with the requirements to: prepare, implement, review, and update  
23 an adequate SWPPP, eliminate all non-authorized storm water discharges, and develop  
24 and implement an adequate monitoring and reporting program. These alleged violations  
25 are detailed and specifically described in the CWA NOTICE.

26 **IV. JURISDICTIONAL ALLEGATIONS**

27 10. Under 33 U.S.C. § 1251(e), Congress declared its goals and policies with regard  
28 to public participation in the enforcement of the CWA. 33 U.S.C. § 1251(e) provides,



1 in relevant part:

2 Public participation in the development, revision, and enforcement of  
3 any regulation, standard, effluent limitation, plan or program established  
4 by the Administrator or any State under this chapter shall be provided  
for, encouraged, and assisted by the Administrator and the States.

5 11. Subject matter jurisdiction is conferred upon this Court by CWA § 505(a)(1), 33  
6 U.S.C. § 1365(a)(1), which states in relevant part,

7 “... any citizen may commence a civil action on his own behalf -  
8 against any person . . . who is alleged to be in violation of (A) an  
9 effluent standard or limitation. . . . or (B) an order issued by the  
Administrator or a State with respect to such a standard or limitation ...”

10 For purposes of CWA § 505, “the term ‘citizen’ means a person or persons having  
11 an interest which is or may be adversely affected.” (33 U.S.C. § 1365(g)).

12 12. All illegal discharges and activities complained of in this Complaint and in the  
13 CWA NOTICE occur in the Pacific Ocean, a water of the United States.

14 13. Members and supporters of RIVER WATCH reside in the vicinity of, derive  
15 livelihoods from, own property near, and/or recreate on, in or near, and/or otherwise use,  
16 enjoy and benefit from the waterways and associated natural resources into which  
17 INGLEWOOD allegedly discharges pollutants, or by which INGLEWOOD’s operations  
18 at the Facility adversely affect those members’ interests, in violation of the protections  
19 embedded in the NPDES Permitting program and the General Permit, CWA § 301(a), 33  
20 U.S.C. § 1311(a), CWA § 505(a)(1), 33 U.S.C. § 1365(a)(1), and CWA § 402, 33 U.S.C.  
21 § 1342. The health, economic, recreational, aesthetic and environmental interests of  
22 RIVER WATCH and its members may be, have been, are being, and will continue to be  
23 adversely affected by INGLEWOOD’s unlawful violations as alleged herein. RIVER  
24 WATCH contends there exists an injury in fact to its members, causation of that injury  
25 by INGLEWOOD’s complained of conduct, and a likelihood that the requested relief  
26 will redress that injury.

27 14. Pursuant to CWA § 505(b)(1)(A), 33 U.S.C. § 1365(b)(1)(A), RIVER WATCH  
28 gave notice of the violations alleged in this Complaint more than sixty days prior to

1 commencement of this action, to: (a) Defendant INGLEWOOD via Certified Mail  
2 received by the Inglewood Public Works Director, (b) the United States EPA, Federal  
3 and Regional, and (c) the SWRCB and RWQCB. Counsel for RIVER WATCH  
4 separately provided the INGLEWOOD City Attorney with a copy of the CWA NOTICE  
5 on November 13, 2014, requesting contact to promote resolution of this dispute. RIVER  
6 WATCH RECEIVED no response to his inquiry prior to filing this Complaint.

7 15. Pursuant to CWA § 505(c)(3), 33 U.S.C. § 1365(c)(3), a copy of this Complaint  
8 has been served on the United States Attorney General and the Administrator of the  
9 Federal EPA.

10 16. Pursuant to CWA § 505(c)(1), 33 U.S.C. § 1365(c)(1), venue lies in this District  
11 as the location of Facility where the alleged illegal discharges occurred, as well as the  
12 source of the violations complained of in this action, are located within this District.

#### 13 **V. STATUTORY AND REGULATORY BACKGROUND**

14 17. CWA § 301(a), 33 U.S.C. § 1311(a), prohibits the discharge of any pollutant into  
15 waters of the United States unless such discharge is in compliance with various  
16 enumerated sections of the Act. Among other things, Section 301(a) prohibits discharges  
17 not authorized by, or in violation of, the terms of an individual NPDES permit or a  
18 general NPDES permit issued pursuant to CWA § 402(p), 33 U.S.C. § 1342. CWA §  
19 402(p), 33 U.S.C. § 1342(p), establishes a framework for regulating storm water  
20 discharges under the NPDES program. States with approved NPDES permitting  
21 programs are authorized under this section to regulate storm water discharges through  
22 permits issued to dischargers and/or through the issuance of a single, statewide general  
23 permit applicable to all storm water dischargers. Pursuant to CWA § 402, the  
24 Administrator of the U.S. EPA has authorized the SWRCB to issue NPDES permits  
25 including general NPDES permits in California.

26 18. The SWRCB elected to issue a statewide general permit for industrial discharges,  
27 and issued the General Permit on or about November 19, 1991, modified the General  
28 Permit on or about September 17, 1992, and reissued the General Permit on or about

1 April 17, 1997, pursuant to CWA § 402(p).

2 19. In order to discharge storm water lawfully in California, industrial dischargers  
3 must comply with the terms of the General Permit or have obtained an individual NPDES  
4 permit and complied with its terms.

5 20. The General Permit contains certain absolute prohibitions. Discharge Prohibition  
6 Order Section A(1) of the General Permit prohibits the direct or indirect discharge of  
7 materials other than storm water ("non-storm water discharges"), which are not otherwise  
8 regulated by a NPDES permit, to waters of the United States. Discharge Prohibition  
9 Order Section A(2) prohibits storm water discharges and authorized non-storm water  
10 discharges that cause or threaten to cause pollution, contamination, or nuisance.  
11 Receiving Water Limitation Order Section C(1) prohibits storm water discharges to any  
12 surface or groundwater that adversely impact human health or the environment.  
13 Receiving Water Limitation Order Section C(2) prohibits storm water discharges that  
14 cause or contribute to an exceedance of any applicable water quality standards contained  
15 in a Statewide Water Quality Control Plan or the applicable Basin Plan.

16 21. In addition to absolute prohibitions, the General Permit contains a variety of  
17 substantive and procedural requirements that dischargers must meet. Facilities  
18 discharging, or having the potential to discharge, storm water associated with industrial  
19 activity that have not obtained an individual NPDES permit must apply for coverage  
20 under the General Permit by filing a NOI. The General Permit requires existing  
21 dischargers to file NOIs before March 30, 1992. Dischargers must also develop and  
22 implement a SWPPP which must comply with the standards of BAT and BCT. The  
23 SWPPP must, among other requirements:

- 24 • Identify and evaluate sources of pollutants associated with industrial activities that  
25 may affect the quality of storm and non-storm water discharges from the facility  
26 and identify and implement site-specific BMPs to reduce or prevent pollutants  
27 associated with industrial activities in storm water and authorized non-storm water  
28

1 discharges [Permit Section A(2)]. BMPs must implement BAT and BCT [Permit  
2 Section B(3)].

- 3 • Include a description of individuals and their responsibilities for developing and  
4 implementing the SWPPP [Permit Section A(3)]; a site map showing the facility  
5 boundaries, storm water drainage areas with flow pattern and nearby water bodies,  
6 the location of the storm water collection, conveyance and discharge system,  
7 structural control measures, impervious areas, areas of actual and potential  
8 pollutant contact, and areas of industrial activity [Permit Section A(4)]; a list of  
9 significant materials handled and stored at the site [Permit Section A(5)]; and, a  
10 description of potential pollutant sources including industrial processes, material  
11 handling and storage areas, dust and particulate generating activities, and a  
12 description of significant spills and leaks, a list of all non-storm water discharges  
13 and their sources, and a description of locations where soil erosion may occur  
14 [Permit Section A(6)].
- 15 • Include a narrative assessment of all industrial activities and potential pollutant  
16 sources at the facility [Permit Section A(7)]. Include a narrative description of the  
17 BMPs to be implemented at the facility for each potential pollutant and its source,  
18 and consider both non-structural BMPs (including "Good Housekeeping") and  
19 structural BMPs where non-structural BMPs are not effective [Permit Section  
20 A(8)].
- 21 • Conduct one comprehensive site compliance evaluation by the facility operator in  
22 each reporting period (July 1- June 30), with SWPPP revisions made, as  
23 appropriate, and implemented within 90 days of the evaluation [Permit Section  
24 A(9)].

25 22. The General Permit requires dischargers to eliminate all non-storm water  
26 discharges to storm water conveyance systems other than those specifically set forth in  
27 Special Condition D(1)(a) of the General Permit and meeting each of the conditions set  
28 forth in Special Condition D(1)(b).

1 23. As part of their monitoring program, dischargers must identify all storm water  
2 discharge locations that produce a significant storm water discharge, evaluate the  
3 effectiveness of BMPs in reducing pollutant loading, and evaluate whether pollution  
4 control measures set out in the SWPPP are adequate and properly implemented.  
5 Dischargers must conduct visual observations of these discharge locations for at least  
6 one storm per month during the wet season (October through May) and record their  
7 findings in their Annual Report [Permit Section B(14)]. Dischargers must also collect  
8 and analyze storm water samples from at least two storms per year in compliance with  
9 the criteria set forth in Permit Section B(5). Dischargers must also conduct dry season  
10 visual observations to identify sources of non-storm water pollution in compliance with  
11 Permit Section B(7).

12 24. Permit Section B(14) of the General Permit requires dischargers to submit an  
13 "Annual Report" by July 1 of each year to the executive officer of the relevant Regional  
14 Water Quality Control Board. Permit Section A(9)(d) of the General Permit requires the  
15 dischargers to include in the annual report an evaluation of the dischargers' storm water  
16 controls, including certifying compliance with the General Permit. *See also* Permit  
17 Sections C(9), C(10) and B(14).

18 25. The EPA has established Parameter Benchmark Values ("EPA Benchmarks") as  
19 guidelines for determining whether a facility discharging storm water has implemented  
20 the requisite BAT and BCT. (65 Fed. Reg. 64746, 64767 (Oct. 30, 2000)). California  
21 Toxics Rule ("CTR") limitations are also applicable to all non storm water and storm  
22 water discharges. (40 C.F.R. part 131).

23 26. The RWQCB has established applicable water quality standards. This Basin Plan  
24 includes a narrative toxicity standard and a narrative oil and grease standard. The Basin  
25 Plan provides that "[w]aters shall not contain suspended material in concentrations that  
26 cause nuisance or adversely affect beneficial uses." The Basin Plan establishes limits on  
27 metals, solvents, pesticides and other hydrocarbons.

28 //

1 27. CWA § 301(a), 33 U.S.C. § 1311(a), prohibits the discharge of pollutants from a  
2 “point source” into the navigable waters of the United States, unless such discharge is  
3 in compliance with applicable effluent limitations as set by the EPA and the applicable  
4 State agency. These limits are to be incorporated into a NPDES permit for that specific  
5 point source. Additional sets of regulations are set forth in the Basin Plan, CTR, the  
6 Code of Federal Regulation and other regulations promulgated by the EPA and the  
7 SWRCB.

8 28. CWA § 301(a) prohibits discharges of pollutants or activities not authorized by,  
9 or in violation of an effluent standard or limitation or an order issued by the EPA or a  
10 State with respect to such a standard or limitation including a NPDES permit issued  
11 pursuant to CWA § 402, 33 U.S.C. § 1342. The pollutants from the Facility are  
12 discharged from point sources under the CWA.

13 29. The affected waterways detailed in this Complaint and in the CWA NOTICE are  
14 navigable waters of the United States within the meaning of CWA § 502(7), 33 U.S.C.  
15 § 1362(7).

16 30. RIVER WATCH alleges INGLEWOOD has not fully developed BMPs and/or  
17 adequately implemented a SWPPP for the operations at the Facility and the property  
18 upon which the Facility is sited, as evidenced by the fact that INGLEWOOD has failed  
19 and are failing to operate the Facility in full compliance with the terms and conditions  
20 imposed by the General Permit.

## 21 **VI. VIOLATIONS**

22 31. The enumerated violations are detailed in the CWA NOTICE and below,  
23 designating the section of the CWA violated by the described activity

## 24 **VII. CLAIM FOR RELIEF**

25 **Violation of CWA § 301(a), 33 U.S.C. § 1311(a) – Violation of the terms of the**  
26 **General Permit.**

27 RIVER WATCH re-alleges and incorporates by reference the allegations of  
28 Paragraphs 1 through 31 as though fully set forth herein including all allegations in the

1 CWA NOTICE. RIVER WATCH is informed and believes, and on such information and  
2 belief alleges, as follows:

3 32. INGLEWOOD has violated and continues to violate the CWA as evidenced by its  
4 violations of the General Permit as set forth in this Complaint and the CWA NOTICE.

5 33. As described in the CWA NOTICE and herein, pursuant to CWA §§ 301(a) and  
6 402(p), 33 U.S.C. §§ 1311(a) and 1342(p), and 40 C.F.R. § 122.26, RIVER WATCH  
7 alleges INGLEWOOD to be in violation of an effluent standard or limitation under the  
8 CWA and/or an order issued by the State with respect to such standard or limitation.

9 34. By law and by the terms of the General Permit, violations of California's General  
10 Permit are violations of the CWA. (40 C.F.R. § 122.4(a)).

11 35. INGLEWOOD's violations are ongoing, and will continue after the filing of this  
12 Complaint. RIVER WATCH alleges herein all violations which may have occurred or  
13 will occur prior to trial, but for which data may not have been available or submitted or  
14 apparent from the face of the reports or data submitted to the SWRCB, the RWQCB, or  
15 to RIVER WATCH with regard to the Facility prior to the filing of this Complaint.  
16 RIVER WATCH will amend this Complaint if necessary to address INGLEWOOD's  
17 State and Federal CWA violations which may occur after the filing of this Complaint.  
18 Each violation is a separate violation of the CWA.

19 36. RIVER WATCH alleges that without the imposition of appropriate civil penalties  
20 and the issuance of appropriate equitable relief, INGLEWOOD will continue to violate  
21 the CWA as well as State and Federal standards with respect to the enumerated  
22 discharges and releases alleged herein. Further, that the relief requested in this  
23 Complaint will redress the injury to RIVER WATCH and its members, prevent future  
24 injury, and protect the interests of its members that are or may be adversely affected by  
25 INGLEWOOD's violations of the CWA, as well as other State and Federal standards.

26 37. RIVER WATCH alleges that continuing violations of the CWA by INGLEWOOD  
27 will irreparably harm RIVER WATCH and its members, for which harm RIVER  
28 WATCH and its members have no plain, speedy or adequate remedy at law.

**VIII. RELIEF REQUESTED**

WHEREFORE, RIVER WATCH prays that the Court grant the following relief:

38. Declare INGLEWOOD to have violated and to be in violation of the CWA;
39. Issue an injunction ordering INGLEWOOD to immediately operate the Facility in compliance with the NPDES permitting requirements in the CWA;
40. Order INGLEWOOD to pay civil penalties per violation/per day for their violations of the CWA as alleged in this Complaint;
41. Order INGLEWOOD to pay RIVER WATCH's reasonable attorneys' fees and costs (including expert witness fees), as provided by 33 U.S.C. § 1365(d) and applicable California law; and,
42. Grant such other and further relief as may be just and proper.

DATED: November 25, 2014

LAW OFFICE OF JACK SILVER

By: /s/ Jack Silver  
JACK SILVER  
Attorney for Plaintiff  
CALIFORNIA RIVER WATCH



# EXHIBIT A

LAW OFFICE OF  
DAVID J. WEINSOFF  
138 Ridgeway Avenue  
Fairfax, California 94930  
tel. 415•460•9760 fax. 415•460•9762  
david@weinsofflaw.com

***Via Certified Mail -  
Return Receipt Requested***

August 29, 2014

Operator/Site Manager  
Transfer Station  
222 West Beach Avenue  
Inglewood, CA 90302

Louis A. Atwell  
Public Works Director  
City of Inglewood  
One W. Manchester Blvd.  
Inglewood, CA 90301

**Re: Notice of Violations and Intent to File Suit Under the Federal Water Pollution  
Control Act (Clean Water Act)**

Dear Owner, Operator, and Site Manager:

**NOTICE**

This Notice is provided on behalf of California River Watch ("River Watch") in regard to violations of the Clean Water Act ("CWA" or "Act") 33 U.S.C. § 1251 et seq., that River Watch believes are occurring at the City of Inglewood Waste Transfer Station facility operated at the City Service Center at 222 West Beach Avenue in Inglewood, California. Notice is being sent to you as the responsible owners, operators, lessees, and/or managers of this facility and real property. This Notice addresses the violations of the CWA, including violation of the terms of the General California Industrial Storm Water Permit, and the unlawful discharge of pollutants from the Transfer Station into the Inglewood Municipal Separate Storm Sewer System ("Inglewood MS4"), which discharges to the Pacific Ocean.

CWA §505(b) requires a citizen to give notice of the intent to file suit sixty (60) days prior to the initiation of a civil action under Section 505(a) of the Act. Notice must be given to the alleged violator, the U.S. Environmental Protection Agency ("EPA"), and the state in which the violations occur.

As required by the CWA, this Notice provides notice of the violations that have occurred, and continue to occur at the Inglewood Transfer Station. Consequently, the City of Inglewood (the "Discharger") is placed on formal notice by River Watch that after the expiration of sixty (60) days from the date of this Notice, River Watch will be entitled to bring suit in the United States District Court against the Discharger for continuing violations of an effluent standard or limitation, National Pollutant Discharge Elimination System ("NPDES") permit condition or requirement, or Federal or State Order issued under the CWA (in particular, but not limited to, CWA § 301(a), § 402(p), and § 505(a)(1), as well as the failure to comply with requirements set forth in the Code of Federal Regulations and the Los Angeles Regional Water Quality Control Board ("RWQCB") Water Quality Control Plan or "Basin Plan."

The CWA requires that any Notice regarding an alleged violation of an effluent standard or limitation or of an order with respect thereto shall include sufficient information to permit the recipient to identify the following:

1. *The specific standard, limitation, or order alleged to have been violated.*

To comply with this requirement, River Watch notices the Discharger of ongoing violations of the substantive and procedural requirements of CWA § 402(p) and violations of NPDES Permit No. CAS000001, State Water Resources Control Board, Order No. 92-12-DWQ as amended by Order No. 97-03-DWQ (the "General Permit") relating to recycling services at the Inglewood Transfer Station site.

The Discharger filed a Notice of Intent ("NOI") agreeing to comply with the terms and conditions of the General Permit. The State Water Resources Control Board approved the NOI on or about August 18, 1994, and the Discharger was assigned Waste Discharger's Identification ("WDID") number 4 191011122. River Watch contends that in the operation of the Inglewood Transfer Station, the Discharger has failed and is failing to comply with the terms and conditions of the General Permit requiring the preparation, implementation, review and update of an adequate Storm Water Pollution Prevention Plan ("SWPPP"), the elimination of all non-authorized storm water discharges, and the development and implementation of an adequate monitoring and reporting program.

Compliance with the monitoring and reporting program is central to the effectiveness of the General Permit program. The Discharger, however, has failed and is failing to comply with the following General Permit requirements as detailed in the Annual Reports submitted in reporting years 2010-2011 through 2013-2014:

a. SWPPP and Monitoring Program Requirements Were Not Properly Prepared and Implemented in the 2010-2011 through 2013-2014 Annual Reporting Years

The Annual Report form, in the Section titled Specific Information, "Annual Comprehensive Site Compliance Evaluation (ACSCE)," H. ACSCE Checklist, Subparagraph 2, asks "Have you reviewed your SWPPP to assure that its BMPs address existing potential pollutant sources and industrial activities areas?" Assuming the Discharger has prepared a SWPPP, it fails to ensure that the BMPs address the elimination of the pollutant discharges identified in the Discharger's Annual Reports and Laboratory Analyses as alleged below.

b. Noncompliance with General Permit Storm Water Controls in the 2010-2011 through 2013-2014 Annual Reporting Years

The Annual Report form, in the Section titled Specific Information, "Annual Comprehensive Site Compliance Evaluation (ACSCE)," I. ACSCE Evaluation Report, requires "[t]he facility operator ... to provide an evaluation report that includes ... any incidents of non-compliance and the corrective actions taken." The Discharger allegedly failed and is failing to eliminate the reported ongoing discharges from the Inglewood Transfer Station site that exceed the EPA "Benchmarks" for the following pollutants:

• **2013-2014 Reporting Year<sup>1</sup>**

February 27, 2014 Sample:

Pre-Before Berm/Filter –

Specific Conductance – 227  $\mu$ mhos/cm  
Aluminum – 3.95 mg/L  
Iron – 5.29 mg/L  
Zinc – 0.169 mg/L

Post-After Berm/Filter –

Specific Conductance – 218  $\mu$ mhos/cm  
Aluminum – 1.44 mg/L

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<sup>1</sup>EPA "Benchmarks" for the listed pollutants – Specific Conductance (SC) 200  $\mu$ mhos/cm; pH 6.0 – 9.0 standard units; Total Suspended Solids (TSS) 100 mg/L; Aluminum (Al) 0.75mg/L; Iron (Fe) 1.0 mg/L; Lead (Pb) 0.0816 mg/L; Zinc (Zn) 0.117 mg/L; Copper (Cu) 0.0636 mg/L; Total Oil & Grease (O&G) 15 mg/L; COD 120 mg/L; and TOC 100 mg/L.

Iron – 1.94 mg/L  
Zinc – 0.193 mg/L

November 21, 2013 Sample:

**Pre-Before Berm Filter –**

Specific Conductance – 863  $\mu$ mhos/cm  
TSS – 389 mg/L  
Aluminum – 7.78 mg/L  
Copper – 0.119 mg/L  
Iron – 10.6 mg/L  
Zinc – 0.468 mg/L

**Post-After Berm Filter –**

Specific Conductance – 502  $\mu$ mhos/cm  
TSS – 263 mg/L  
Aluminum – 8.56 mg/L  
Copper – 0.117 mg/L  
Iron – 10.9 mg/L  
Zinc – 0.771 mg/L

• **2012-2013 Reporting Year**

January 24, 2013

**Pre-Before Berm/Filter –**

Specific Conductance – 243  $\mu$ mhos/cm  
TSS – 300 mg/L  
Aluminum – 18.8 mg/L  
Iron – 22.2 mg/L  
Zinc – 0.252 mg/L

**Post-After Berm/Filter –**

TSS – 134 mg/L  
Aluminum – 4.43 mg/L  
Iron – 5.67 mg/L  
Zinc – 0.268 mg/L

November 29, 2012

Pre-Before Berm/Filter –

Specific Conductance – 297  $\mu$ mhos/cm

TSS – 131 mg/L

Aluminum – 6.62 mg/L

Iron – 8.04 mg/L

Zinc – 0.205 mg/L

Post-After Berm/Filter –

Iron – 1.04 mg/L

Zinc – 0.161 mg/L

- **2011 -2012 Reporting Year**

January 23, 2012

TSS – 342 mg/L

Aluminum – 10.3 mg/L

Copper – 0.074 mg/L

Iron – 15.3 mg/L

Zinc – 0.406 mg/L

December 12, 2011

Specific Conductance – 786  $\mu$ mhos/cm

TSS – 1370 mg/L

pH – 5.93

Aluminum – 37.4 mg/L

Copper – 0.226 mg/L

Iron – 55.5 mg/L

Lead – 0.156 mg/L

Zinc – 0.973 mg/L

- **2010 -2011 Reporting Year**

March 20, 2011

Pre-Before Berm/Filter –

Specific Conductance – 525  $\mu$ mhos/cm  
Aluminum – 4.04 mg/L  
Iron – 4.93 mg/L  
Zinc – 0.198 mg/L

Post-After Berm/Filter –

Aluminum – 1.05 mg/L  
Copper – 0.064 mg/L  
Iron – 5.81 mg/L  
Zinc – 0.395 mg/L

October 20, 2010

Pre-Before Berm/Filter –

Specific Conductance – 1660  $\mu$ mhos/cm  
TSS – 476 mg/L  
Aluminum – 20.9 mg/L  
Copper – 0.185 mg/L  
Iron – 33.4 mg/L  
Lead – 0.151 mg/L  
Zinc – 0.797 mg/L

Post-Before Berm/Filter –

Specific Conductance – 1120  $\mu$ mhos/cm  
pH – 9.06  
Aluminum – 2.63 mg/L  
Copper – 0.067 mg/L  
Iron – 4.57 mg/L  
Zinc – 0.483 mg/L

c. Certification of Compliance With General Permit for the 2009-2010 through 2013-2014 Annual Reporting Years

The Annual Report form, in the Section titled Specific Information, “Annual Comprehensive Site Compliance Evaluation (ACSCE),” J. ACSCE Certification, requires facilities covered under the General Permit to state “[b]ased on your ACSCE, do you certify compliance with the Industrial Activities Storm Water General Permit?” The alleged failures to fully and accurately ensure compliance with the requirements of the General Permit as detailed above would contradict both the “ACSME Certification” and a signed “Annual

Report Certification,” which provides that the signer of the Annual Report attests that the “information submitted is, to the best of my knowledge and belief, true, accurate and complete.”

2. *The activity alleged to constitute a violation.*

The Discharger’s scrap recycling operation (classified under SIC Code 5093) undertaken at the Inglewood Transfer Station, “functions as a temporary site to store solid waste and debris generated by [Inglewood] City crews performing tree trimming, street sweeping, park maintenance, law mowing, vehicle maintenance, and trash receptacle pick-up operations ... Construction materials used by Public Services for street repair including rock base, clean fill dirt, and asphalt, are also stored at the transfer station.” (<http://www.cityofinglewood.org/agendastaffreports/01-29-13/8.pdf>; August 28, 2014).<sup>2</sup> The work at the Transfer Station is conducted both indoors and outdoors. Because the property on which the Transfer Station is located is subject to rain events, and because there is no Regional Water Quality Control Board exemption from the collecting and analyzing of the range of pollutants identified above, there can be a discharge of these pollutants to the Inglewood MS4, which discharges to the Pacific Ocean.

To properly regulate these activities and control the discharge of these types of pollutants, the State Water Resources Control Board requires industrial facilities to obtain and comply with the terms and conditions of an individual NPDES permit, or seek coverage under the General Permit (or obtain a proper exemption under the terms of the General Permit from its requirements). Review of the public record by River Watch reveals that the Discharger obtained coverage under the General Permit but fails to comply with its environmentally protective requirements, in particular the implementation of effective BMPs.

3. *The person or persons responsible for the alleged violation.*

The persons responsible for the alleged violations are the City of Inglewood, including its Public Works Department, referred to herein as the Discharger.

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<sup>2</sup>Note that the Discharger’s operations, as stated on its NOI, are also covered under SIC Codes 4212 (Local Trucking without Storage) and 4953 (Refuse Systems). In addition, note that on June 13, 2012, the Regional Water Quality Control Board issued the Discharger an “Annual Report Review – Second Benchmark Value Exceedance: NPDES General Permit (Permit) For Storm Water Discharges Associated With Industrial Activity (Order No. 97-03 DWQ; NPDES No. CAS000001), WDID# 4191 011122” identifying a number of EPA Benchmark exceedances. The violations identified in the June 13, 2012 RWQCB Review are incorporated by reference into this River Watch Notice.



4. *The location of the alleged violation.*

The location of the various violations is the permanent address of the Inglewood Waste Transfer Station facility at 222 West Beach Avenue in Inglewood, California, including the waters of the Inglewood MS4 and Pacific Ocean – a water of the United States.

5. *The date or dates of violation or a reasonable range of dates during which the alleged activity occurred.*

The range of dates covered by this Notice is from August 29, 2009 to August 29, 2014. River Watch will from time to time further update this Notice to include all violations which occur after the range of dates covered by this Notice. Some of the violations are continuous in nature, therefore each day constitutes a violation.

6. *The full name, address, and telephone number of the person giving notice.*

The entity giving notice is California River Watch, 290 S. Main Street., #817, Sebastopol, CA 95472 – a non-profit corporation organized under the laws of the State of California, dedicated to protect, enhance and help restore the groundwater and surface water environs of California including, but not limited to, its rivers, creeks, streams, wetlands, vernal pools, and tributaries. River Watch may be contacted via email: [US@ncriverwatch.org](mailto:US@ncriverwatch.org), or through its attorneys. River Watch has retained legal counsel with respect to the issues set forth in this Notice. All communications should be addressed to:

David Weinsoff, Esq.  
Law Office of David Weinsoff  
138 Ridgeway Avenue  
Fairfax, CA 94930  
Tel. 415-460-9760  
Fax. 707-528-8675  
Email: [ldm28843@sbcglobal.net](mailto:ldm28843@sbcglobal.net)

## **STATUTORY BACKGROUND**

CWA § 301(a), 33 U.S.C. § 1311(a), prohibits the discharge of any pollutant into waters of the United States unless such discharge is in compliance with various enumerated sections of the Act. Among other things, Section 301(a) prohibits discharges not authorized by, or in violation of, the terms of an individual NPDES permit or a general NPDES permit issued pursuant to CWA § 402(p), 33 U.S.C. § 1342. CWA § 402(p), 33 U.S.C. § 1342(p), establishes a framework for regulating storm water discharges under the NPDES program. States with approved NPDES permitting programs are authorized under this section to regulate storm water discharges through permits issued to dischargers and/or through the

issuance of a single, statewide general permit applicable to all storm water dischargers. Pursuant to CWA § 402, the Administrator of the U.S. EPA has authorized California's State Water Resources Control Board to issue NPDES permits including general NPDES permits in California.

The State Water Resources Control Board elected to issue a statewide general permit for industrial discharges, and issued the General Permit on or about November 19, 1991, modified the General Permit on or about September 17, 1992, and reissued the General Permit on or about April 17, 1997, pursuant to CWA § 402(p).

In order to discharge storm water lawfully in California, industrial dischargers must comply with the terms of the General Permit or have obtained an individual NPDES permit and complied with its terms.

The General Permit contains certain absolute prohibitions. Discharge Prohibition Order Section A(1) of the General Permit prohibits the direct or indirect discharge of materials other than storm water ("non-storm water discharges"), which are not otherwise regulated by a NPDES permit, to waters of the United States. Discharge Prohibition Order Section A(2) prohibits storm water discharges and authorized non-storm water discharges that cause or threaten to cause pollution, contamination, or nuisance. Receiving Water Limitation Order Section C(1) prohibits storm water discharges to any surface or groundwater that adversely impact human health or the environment. Receiving Water Limitation Order Section C(2) prohibits storm water discharges that cause or contribute to an exceedance of any applicable water quality standards contained in a Statewide Water Quality Control Plan or the applicable Regional Water Quality Control Board Basin Plan.

In addition to absolute prohibitions, the General Permit contains a variety of substantive and procedural requirements that dischargers must meet. Facilities discharging, or having the potential to discharge, storm water associated with industrial activity that have not obtained an individual NPDES permit must apply for coverage under the General Permit by filing a NOI. The General Permit requires existing dischargers to file NOIs before March 30, 1992.

Dischargers must also develop and implement a SWPPP which must comply with the standards of BAT and BCT. The SWPPP must, among other requirements:

- Identify and evaluate sources of pollutants associated with industrial activities that may affect the quality of storm and non-storm water discharges from the facility, and identify and implement site-specific BMPs to reduce or prevent pollutants associated with industrial activities in storm water and authorized non-storm water discharges [Permit Section A(2)]. BMPs must implement BAT and BCT [Permit Section B(3)].

- Include a description of individuals and their responsibilities for developing and implementing the SWPPP [Permit Section A(3)]; a site map showing the facility boundaries, storm water drainage areas with flow pattern and nearby water bodies, the location of the storm water collection, conveyance and discharge system, structural control measures, impervious areas, areas of actual and potential pollutant contact, and areas of industrial activity [Permit Section A(4)]; a list of significant materials handled and stored at the site [Permit Section A(5)]; and, a description of potential pollutant sources including industrial processes, material handling and storage areas, dust and particulate generating activities, and a description of significant spills and leaks, a list of all non-storm water discharges and their sources, and a description of locations where soil erosion may occur [Permit Section A(6)].
- Include a narrative assessment of all industrial activities and potential pollutant sources at the facility [Permit Section A(7)]. Include a narrative description of the BMPs to be implemented at the facility for each potential pollutant and its source, and consider both non-structural BMPs (including "Good Housekeeping") and structural BMPs where non-structural BMPs are not effective [Permit Section A(8)].
- Conduct one comprehensive site compliance evaluation by the facility operator in each reporting period (July 1- June 30), with SWPPP revisions made, as appropriate, and implemented within 90 days of the evaluation [Permit Section A(9)].

The General Permit requires dischargers to eliminate all non-storm water discharges to storm water conveyance systems other than those specifically set forth in Special Condition D(1)(a) of the General Permit and meeting each of the conditions set forth in Special Condition D(1)(b).

As part of their monitoring program, dischargers must identify all storm water discharge locations that produce a significant storm water discharge, evaluate the effectiveness of BMPs in reducing pollutant loading, and evaluate whether pollution control measures set out in the SWPPP are adequate and properly implemented. Dischargers must conduct visual observations of these discharge locations for at least one storm per month during the wet season (October through May) and record their findings in their Annual Report [Permit Section B(14)]. Dischargers must also collect and analyze storm water samples from at least two storms per year in compliance with the criteria set forth in Permit Section B(5). Dischargers must also conduct dry season visual observations to identify sources of non-storm water pollution in compliance with Permit Section B(7).

Permit Section B(14) of the General Permit requires dischargers to submit an "Annual Report" by July 1 of each year to the executive officer of the relevant Regional Water Quality Control Board. Permit Section A(9)(d) of the General Permit requires the dischargers to include in the annual report an evaluation of the dischargers( storm water controls, including

certifying compliance with the General Permit. *See also* Permit Sections C(9), C(10) and B(14).

The EPA has established Parameter Benchmark Values ("EPA Benchmarks") as guidelines for determining whether a facility discharging storm water has implemented the requisite BAT and BCT. (65 Fed. Reg. 64746, 64767 (Oct. 30, 2000)). California Toxics Rule ("CTR") limitations are also applicable to all non storm water and storm water discharges. (40 C.F.R. part 131).

The RWQCB has established applicable water quality standards. This Basin Plan includes a narrative toxicity standard and a narrative oil and grease standard. The Basin Plan provides that "[w]aters shall not contain suspended material in concentrations that cause nuisance or adversely affect beneficial uses." The Basin Plan establishes limits on metals, solvents, pesticides and other hydrocarbons.

## **VIOLATIONS**

River Watch contends that between August 29, 2009 and August 29, 2014, the Discharger violated the CWA, the Basin Plan and the Code of Federal Regulations by discharging pollutants from the Inglewood Transfer Station to waters of the United States without an individual NPDES permit, or in violation of the General Permit. Furthermore, River Watch contends these violations are continuing. The violations discussed herein are derived from eye witness reports and records publicly available, or records in the possession and control of the Discharger.

Finally, River Watch also believes that the Inglewood Transfer Station is not operated to ensure that storm and non-storm water discharges are properly contained, controlled, and/or monitored. As a result, the Discharger fails to follow the requirements of the General Permit in its sampling protocols for the Transfer Station by failing to accurately capture "first flush" samples and failing to properly sample from all the outfalls of the Transfer Station.

## **REMEDIAL MEASURES REQUESTED**

River Watch believes that implementation of the following remedial measures are necessary in order to bring the Discharger into compliance with the CWA and reduce the biological impacts its non-compliance upon public health and the environment surrounding the Inglewood Transfer Station:

1. Prohibition of the discharges of pollutants including, but not limited to, petroleum hydrocarbons, oil and grease, accumulated particulate matter, BOD, TSS, heavy metals (including aluminum, iron, lead, copper and zinc) from the "recycling systems" operated at the Transfer Station.

2. Compliance with the terms and conditions of the General Permit, and BMPs detailed in the EPA's Industrial Stormwater Fact Sheet Series, "Sector N: Scrap Recycling and Waste Recycling Facilities" (EPA Office of Water, EPA-833-F-06-029, December 2006);([www.epa.gov/npdes/pubs/sector\\_n\\_scraprecycling.pdf](http://www.epa.gov/npdes/pubs/sector_n_scraprecycling.pdf)).
3. Compliance with the storm water sampling, monitoring and reporting requirements of the General Permit.
4. Sampling of storm water at least four (4) times per year over each of the next five (5) years: at "first flush"; the first significant rain after "first flush"; the first significant rain after April 1; and the second significant rain after April 1.
5. 100% of the discharge from the Inglewood Transfer Station must be discharged through discrete conveyances.
6. Any discharge from the Inglewood Transfer Station to a water of the United States must be sampled during the four (4) sampling events identified in paragraph #4 above.
7. Preparation and submittal to the RWQCB of a "Reasonable Potential Analysis" for the Inglewood Transfer Station and its operations.
8. Preparation of an updated SWPPP including a monitoring program, with a copy provided to River Watch.

## CONCLUSION

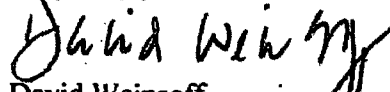
CWA §§ 505(a)(1) and 505(f) provide for citizen enforcement actions against any "person," including individuals, corporations, or partnerships, for violations of NPDES permit requirements and for un-permitted discharges of pollutants. 33 U.S.C. §§ 1365(a)(1) and (f), § 1362(5). An action for injunctive relief under the CWA is authorized by 33 U.S.C. § 1365(a). Violators of the Act are also subject to an assessment of civil penalties of up to \$37,500 per day/per violation for all violations pursuant to Sections 309(d) and 505 of the Act, 33 U.S.C. §§ 1319(d), 1365. *See also* 40 C.F.R. §§ 19.1-19.4.

The violations set forth in this Notice effect the health and enjoyment of members of River Watch who reside and recreate in the affected community. Members of River Watch use the affected watershed for recreation, sports, fishing, swimming, hiking, photography, nature walks and the like. Their health, use and enjoyment of this natural resource is specifically impaired by the Discharger's violations of the CWA as set forth in this Notice. River Watch believes this Notice sufficiently states grounds for filing suit.

At the close of the 60-day notice period or shortly thereafter River Watch has cause to file a citizen's suit under CWA § 505(a) against the Discharger for the violations of the CWA described in this Notice.

During the 60-day notice period, River Watch is willing to discuss effective remedies for the violations identified in this Notice. However, if the Discharger wishes to pursue such discussions in the absence of litigation, it is suggested those discussions be initiated soon so that they may be completed before the end of the 60-day notice period. River Watch does not intend to delay the filing of a lawsuit if discussions are continuing when the notice period ends.

Very truly yours,

  
David Weinsoff

DW:lhmm

cc:

Administrator

U.S. Environmental Protection Agency

Ariel Rios Building

1200 Pennsylvania Avenue, N. W.

Washington, D.C. 20460

Regional Administrator

U.S. Environmental Protection Agency, Region 9

75 Hawthorne Street

San Francisco, CA 94105

Executive Director

State Water Resources Control Board

P.O. Box 100

Sacramento, CA 95812

Executive Officer

Regional Water Quality Control Board

Los Angeles Region

320 West 4th Street / Suite 200

Los Angeles, CA 90013

City Council

City of Inglewood

One W. Manchester Blvd

Inglewood, CA 90301

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7 Fax. 707-528-8675

8 David J. Weinsoff, Esq. SB# 141372  
9 Email: [david@weinsofflaw.com](mailto:david@weinsofflaw.com)  
10 Law Office of David J. Weinsoff  
11 138 Ridgeway Avenue  
12 Fairfax, CA 94930  
13 Tel. (415) 460-9760  
14 Fax. (415) 460-9762

15 Attorneys for Plaintiff  
16 CALIFORNIA RIVER WATCH

17 UNITED STATES DISTRICT COURT

18 CENTRAL DISTRICT OF CALIFORNIA

19 CALIFORNIA RIVER WATCH, a  
20 501(c)(3) nonprofit, public benefit  
21 Corporation,  
22 Plaintiff,

23 v.

24 CITY OF INGLEWOOD,  
25 Defendant.  
26  
27  
28

CASE NO: 2:14-cv-09244-PA(AJWx)

**CERTIFICATE OF SERVICE OF  
COMPLAINT ON UNITED STATES  
ENVIRONMENTAL PROTECTION  
AGENCY AND UNITED STATES  
DEPARTMENT OF JUSTICE**

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CERTIFICATE OF SERVICE

I am employed in the County of Sonoma, State of California. I am over the age of eighteen years and not a party to the within action. My business address is 100 E Street, Suite 318, Santa Rosa, CA 95404. On the date set forth below, I served the following described document(s):

**COMPLAINT FOR INJUNCTIVE RELIEF, DECLARATORY RELIEF, CIVIL PENALTIES, RESTITUTION AND REMEDIATION (Environmental - Clean Water Act 33 U.S.C. § 1251, *et seq*)**

on the following parties by placing a true copy in a sealed envelope, addressed as follows:

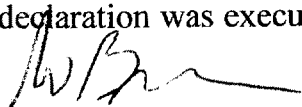
Citizen Suit Coordinator  
U.S. Dept. of Justice  
Environmental & Natural Resource Division  
Law and Policy Section  
P.O. Box 7415  
Ben Franklin Station  
Washington, DC 20044-7415

Administrator  
U.S. Environmental Protection Agency  
Ariel Rios Building  
1200 Pennsylvania Avenue, N.W.  
Washington, D.C. 20460

☒ (BY MAIL) I placed each such envelope, with postage thereon fully prepaid for first-class mail, for collection and mailing at Santa Rosa, California, following ordinary business practices. I am readily familiar with the practices of Law Office of Jack Silver for processing of correspondence; said practice being that in the ordinary course of business, correspondence is deposited with the United States Postal Service the same day as it is placed for processing.

☐ (BY FACSIMILE) I caused the above referenced document(s) to be transmitted by Facsimile machine (FAX) 707-528-8675 to the number indicated after the address(es) noted above.

I declare under penalty of perjury, under the laws of the State of California, that the foregoing is true and correct, and that this declaration was executed on December 3, 2014 at Santa Rosa, California.

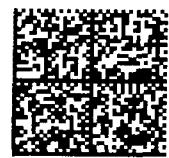
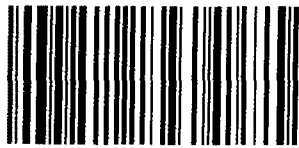
  
\_\_\_\_\_  
Kayla Brown



Law Office of Jack Silver  
P.O. Box 5469  
Santa Rosa, CA 95402-5469

**X-RAVED**  
DEC 09 2014  
DOJ MAILROOM

Citizen Suit Coordinator  
U.S. Dept. of Justice  
Environmental & Natural Resource Division  
Law and Policy Section  
P.O. Box 7415  
Ben Franklin Station  
Washington, DC 20044-7415

<b>F</b>		U.S. POSTAGE <b>\$3.08</b> FCM LG ENV 95404 Date of sale 12/03/14 06 2S00 08259923 SIX
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